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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/811,856	03/19/2001	William Ziegler	18133-058	9209
30623	7590	04/30/2004	EXAMINER	
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY AND POPEO, P.C. ONE FINANCIAL CENTER BOSTON, MA 02111			HYEON, HAE M	
			ART UNIT	PAPER NUMBER
			2839	

DATE MAILED: 04/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/811,856	Applicant(s) ZIEGLER ET AL.	
	Examiner Hae M Hyeon	Art Unit 2839	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 June 2003.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-9 and 17-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-8 and 17-21 is/are allowed.
- 6) ☒ Claim(s) 9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Allowable Subject Matter***

1. The indicated allowability of claim 9 is withdrawn in view of the newly discovered reference(s) to US Patent No. 5,389,462 by Lin and US Patent No. 3,783,436 by Bury.  
Rejections based on the newly cited reference(s) follow.
2. Claims 1, 3-8 and 17-21 are allowed.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:  
  

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over the admitted prior art in view of Lin (5,389,462) and Bury (3,783,436).

The admitted prior art discloses the uninterruptible power supplies 10 comprising an input 24 to receive AC power from an AC power source, an output 26 to provide AC power, an inverter 20 to receive DC power and to provide AC power, an energy storage device 18 electrically coupled to the inverter 20, and a transfer switch 14 to select one of the AC power source and the energy storage device 18 as an output power source for the uninterruptible power supplies 10. However, the admitted prior art does not disclose a first connector coupled to the inverter 20 being mated with a second connector coupled to the energy storage device 18 through

a plurality of lead wires and the energy storage device 18 including a cap covering a plurality of terminals of the energy storage device 18 and the lead wires.

Lin discloses storage battery comprising a plurality of terminals 19, a pair of lead wires 15, a connector 17 and a cap 12. Each lead wire 15 has a first end connected to one of the terminals 19 and a second end connected to the connector 17. The connector 17 of Lin does not require a use of a tool for mating. The cap 12 of Lin comprised of two pieces 12 and 13 that protect and cover the terminals 19 and the lead wires 15. The cap 12 is housing the pair of lead wires 15 and the plurality of the battery terminals 19. The pair of lead wires 15 is integrated into the battery cap 12. The lead wires 15 pass out of the battery cap 12 through an opening formed on the cap 12 and terminate in the second connector 17. The lead wires 15 are mounted in a curved groove formed in the cap 12, which may provide strain relief for the lead wires 15, but Lin does not disclose the cap 12 having means for providing strain relief for the lead wires 15.

Bury discloses an electrical connector housing with built-in strain relief comprising a housing 12 having a pair of mounting ears 44 that provides strain relief for each of plurality of lead wires 30.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the battery taught by the admitted prior art such that it would have a cap as taught by Lin and a strain relief as taught by Bury to protect terminals and lead wires of the battery and to prevent undue tensions on the lead wires from causing failures in the connections of the lead wires to the terminals.

Regarding the cap providing impact protection, any cap provides certain amount of impact protection.

***Response to Arguments***

5. Applicant's arguments with respect to claim 9 have been considered but are moot in view of the new ground(s) of rejection.

The examiner suggests the applicant to amend claim 9 such that it also includes the limitation, "an underside of the energy storage device cap is constructed and arranged to provide paths to route the plurality of lead wires to the plurality of terminals."

***Conclusion***

6. **It is unnecessary, however, that inventions of references be physically combinable to render obvious an applicant's invention.** *In re Sneed*, 710 F.2d 1544, 1550, 218 USPQ 385, 389 (Fed. Cir. 1983). The test for obviousness is not whether the features of a reference may be bodily incorporated into the structure of another reference but what the combined teachings of those references would have suggested to those of ordinary skill in the art. *In re Keller*, 642 F.2d 413, 425, 208 USPQ 871,881 (CCPA 1981).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hae M Hyeon whose AU is 2839 and whose telephone number is 571-272-2093. The examiner can normally be reached on Mon.-Fri. (8:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D Feild can be reached on 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the telephone number 571-272-2800 ext 39.

Art Unit: 2839

**Any response to this action may be mailed to:**

**Commissioner for Patents**

**P.O. Box 1450**

**Alexandria, VA 22313-1450**

For additional information regarding this new address, which was effective May 1, 2003, see *Correspondence with the United States Patent and Trademark Office*, 68 Fed. Reg. 14332 (March 25, 2003).

Hae M Hyeon

Examiner

Art Unit 2839

hnh

hnh

Hae Moon Hyeon